



State of California
Edmund G. Brown Jr., Governor

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
July 21, 2011
Holiday Inn LAX
9901 La Cienega Blvd.
Los Angeles, CA 90045**

Board Members Present

Frederick Lerner, D.C. Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Christina Villanueva, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:01 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Chair's Report

Dr. Lerner reported on recent activities relating to Board matters.

Approval of Minutes

May 19, 2011 Board Meeting

MOTION: DR. LERNER MOVED TO APPROVE THE MINUTES

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

None

Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws

Mr. Walker indicated that there were no items to report.

Executive Officer's Report

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

Ratification of Approved License Applications

MOTION: DR. TYLER MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. STEINHARDT SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Ratification to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved cancellation restoration applicants incorporated herein (Attachment C).

Dr. Lerner announced moving forward to Agenda Item 12 – Attorney General Billing. The Board will hear Agenda Item 11 – Regulations of Massage Therapy, once the presenter arrives.

Attorney General Billing

Mr. Puleo updated the Board on efforts to reduce attorney general expenditures and presented the board members with average monthly attorney general costs from fiscal year 2005/2006 to the present. Mr. Puleo stated he was encouraged that the average monthly invoice had gone down over the past

few months; however, it was too soon to tell whether the Board will experience a significant on going reduction in the average monthly bill. The Board would have a better idea by the September Board Meeting.

Legislative Update

- A. AB 25 – Athletics: Concussions and Head Injuries
Mr. Puleo reported that a support letter was sent, and the bill was set for hearing August 15, 2011.
- B. AB 72 – Acupuncture
Mr. Puleo reported that no letter was sent due to the bill failing passage.
- C. AB 584 – Workers' Compensation Utilization Review
Mr. Puleo reported that a support letter was sent, and the bill was pending in Senate appropriations.
- D. AB 783 – Professional Corporations: Licensed Physical Therapists
Mr. Puleo reported that a support letter was sent; however, the bill failed passage.
- E. SB 206 – Appropriations
Mr. Puleo reported that a support letter was sent and the bill passed both houses of the legislature and is now at the Governor's office for signature.
- F. SB 541 – Expert Consultants
Mr. Puleo reported that a support letter was sent, the bill is pending in Assembly appropriations. The hearing is set for August 17, 2011.
- G. SB 628 – Acupuncture
Mr. Puleo reported that an opposition letter sent, the bill failed passage in Assembly business and professions.
- H. SB 924 – Physical Therapists: Direct Access to Services
Mr. Puleo reported that no letter was sent due to the bill failing passage.

Proposed Regulations

- A. Informed Consent
Mr. Puleo reported no changes would be made to the proposed language based on the comments received.

MOTION: DR. COLUMBU MOVED TO HAVE THE LANGUAGE BROUGHT BACK TO COMMITTEE OR TABLED THE LANGUAGE

SECONDED: DR. STEINHARDT SECONDED THE MOTION

Discussion

Mr. Walker asked if the Board wanted to pull the regulation. Mr. Puleo asked to clarify if the Board wanted to pull the language from being submitted to OAL. Dr. Columbu stated that he did not feel that the language was written well and listed concerns. Dr. Columbu felt that the language should define the percentage of risk.

The Board had a lengthy discussion regarding the language.

Dr. Davis from International Chiropractic Association of California came forward and stated that he is in favor of Informed Consent; however, there are a few concerns that he has with the language as well. Dr. Davis stated that the word “material” is not clear. Dr. Davis also suggested that the Board uses the same principles as the Federal and State Supreme Court when preparing the language.

VOTE: 2-2-1

MOTION FAILED

MOTION: DR. LERNER MOVED TO ADOPT THE LANGUAGE AND SUBMIT TO OAL

SECOND: DR. STEINHARDT SECONDED THE MOTION

Discussion

Dr. Lubkin and Dr. Lerner made statements in support of the proposed regulation.

VOTE: 4-1

MOTION: CARRIED

Dr. Lerner announced moving back to Agenda Item 11 – Regulations of Massage Therapy.

Regulation of Massage Therapy

Ahmos Netanel, CEO of California Massage Therapy Council (CMTC) spoke before the Board and explained the purpose and authority of the CMTC.

Dr. Lerner resumed to the scheduled agenda.

Proposed Regulations

B. Omnibus Consumer Protection

Mr. Puleo gave an update that the 45-day comment period did not end until July 25, 2011. Nothing could be done yet. A public hearing will be held at the next Board Meeting.

C. Use of Laser

Mr. Puleo addressed a few potential concerns with the language. The Board had a lengthy discussion regarding the concerns with the language.

MOTION: DR. LERNER MOVED TO HAVE THE LANGUAGE BROUGHT BACK TO COMMITTEE FOR REVIEW.

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION: CARRIED

D. Petitions for Reinstatement (Fee)

Mr. Puleo reported that the Board is currently waiting to see if the Omnibus Consumer Protection package is approved. Once it is approved, this regulation could move forward.

E. Filing of Addresses – Section 303

Dr. Columbu addressed a few concerns regarding the current language of Section 303. The current regulation does not specify the physical address must be provided.

MOTION: DR. COLUMBU MOVED TO AMEND THE REGULATION

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION: CARRIED

Discussion

The Board discussed potential changes to the regulation language. The Board directed staff to draft proposed amendments to Section 303 and place this item on the agenda for the next Board Meeting.

Authority Over Unlicensed/Non-Licensed Individuals Performing Chiropractic

Dr. Lerner gave an update on his recent communications with the Physical Therapy Board.

Public Comment

Dr. Steinhardt thanked Mr. Puleo for bringing in the CEO of the CMTC and opening a line of communication with them.

Future Agenda Items

Mr. Puleo stated that the Board has received comments expressing concerns with the Board's current Mission Statement. He stated that the Board members might want to discuss the Mission Statement at the next Board Meeting and consider revising it.

Dr. Davis requested that the Board's enforcement disciplinary guideline is placed on agenda for review and update at the next Board Meeting.

Dr. Tyler would like for there to be written language regarding the purpose of the Continuing Education Committee.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Howard W. Cohen presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. Anthony Wassif

Hearings Re: Early Termination of Probation

Administrative Law Judge Howard W. Cohen presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearing:

A. Abraham Grosswasser

B. Shane Donald Anthony

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 3:15p.m.

(ATTACHMENT A)

Approval By Ratification of Formerly Approved License Applications
May 1, 2011 – June 30, 2011

Name (First, Middle, Last)			Date Issued	DC#
Bjorn	Isaac	Bostrom	5/4/2011	31983
Kenneth	Clayton	Oliver	5/5/2011	31984
Matthew	Aaron	Nightingale	5/9/2011	31985
Joseph Charles	Gonzales	Ordona	5/9/2011	31986
Leanne	Marla	Sim	5/9/2011	31987
Benjamin	Allen	Spencer	5/9/2011	31988
Lindsay	Allison	Stephens	5/9/2011	31989
Laura	Michelle	Dabby	5/10/2011	31990
Joanna	Renee	Fassl	5/10/2011	31991
Jonathan	Rory	Hoops	5/10/2011	31992
Bryan	Habif	Abrams	5/12/2011	31993
Benjamin	Roy	Cowell	5/12/2011	31994
Joshua	Daniel	Higley	5/12/2011	31995
Angel		Lee	5/12/2011	31996
Kenji		Nampo	5/23/2011	31997
Aaron	Michael	Newman	5/23/2011	31998
Spencer	Hung Wo Yim	Shimabukuro	5/23/2011	31999
Jesse	Dalton	Smith	5/23/2011	32000
Megan	Elizabeth	Sweithelm	5/23/2011	32001
Samuel	C	Zoranovich	5/23/2011	32002
Kenneth	Quoc	Hoang	5/23/2011	32003
Laura	Lee	Ross	5/31/2011	32004
Senkosal	Heap	Uy	5/31/2011	32005
Nora	Jane	Zoma	5/31/2011	32006
Setareh		Derakhshan	5/31/2011	32007
Melissa	Ann	Diller	5/31/2011	32008
Farand		Kusnadi	5/31/2011	32009
Daniel	Duwayne	Hamilton	5/31/2011	32010
Shawna	Stuart	Handschug	5/31/2011	32011
Prakash	Ramesh	Mulchandani	5/31/2011	32012
Austin	Patrick	Jones	6/3/2011	32013
Ryan	Matthew	Kiser	6/3/2011	32014

Lucas	Jeromy	Phifer	6/7/2011	32015
Joseph	Anthony	Viggianelli	6/7/2011	32016
Nicholas	Donald	Reiff	6/13/2011	32017
Sarah	Beth	Witt	6/13/2011	32018
Zachary	Nolan	Zugschwerdt	6/13/2011	32019
Ian	Philipe	Ahearn	6/13/2011	32020
Tan	Nhat	Bui	6/13/2011	32021
Mario		Cervino	6/13/2011	32022
Joshua	David	Chrystal	6/13/2011	32023
Sana		Eang	6/13/2011	32024
Jasmine	Therese	Esguerra	6/13/2011	32025
Norquitta	Yvette	Johnson	6/13/2011	32026
Scott	Matthew	Karges	6/13/2011	32027
Mahsa		Khodabakhsh	6/13/2011	32028
Hyunhee		Lee	6/13/2011	32029
Houri	Annette	Manoukian	6/13/2011	32030
Nancy	Joan	Ritschel	6/16/2011	32031
John		Park	6/22/2011	32032
Peter	Soo-Chul	Park	6/22/2011	32033
Nahdir	Nosratolah	Pourteymoor	6/22/2011	32034
Candice	Tin-Oi	So	6/22/2011	32035
Eric	Fridthjov	Nilsen	6/29/2011	32036
Sarah	Lynn Szymkowiak	Stiff	6/29/2011	32037
Pavan	Jay	Dwamal	6/29/2011	32038
Nathan	Arnold	Moore	6/29/2011	32039
Sean	Patrick	Gregg	6/30/2011	32040
Peter	Phuc Hung	Le	6/30/2011	32041
Ping-Long		Wang	6/30/2011	32042

(ATTACHMENT B)
Approval By Ratification Of Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. ChiroCredit.com</u>	<u>06/13/11</u>
<u>2. CEvative University</u>	<u>06/13/11</u>
<u>3. Steven C. Eggleston</u>	<u>06/20/11</u>
<u>4. BodyZone LLC</u>	<u>06/22/11</u>
<u>5. Daniel S. Buch</u>	<u>06/30/11</u>

(ATTACHMENT C)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Lionberger, William	14129	02/28/2011